UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/CONF.164/19
9 May 1994

ORIGINAL: ENGLISH

UNITED NATIONS CONFERENCE ON
STRADDLING FISH STOCKS AND
HIGHLY MIGRATORY FISH STOCKS
New York, 14-31 March 1994

STATEMENT MADE BY THE CHAIRMAN OF THE CONFERENCE AT THE CLOSING OF THE THIRD SESSION, HELD ON 31 MARCH 1994

1. You will recall that the programme of work which the Conference had adopted for this three-week session was as follows:

(a) The Conference would begin by hearing general remarks directed to the negotiating text prepared by the Chairman (A/CONF.164/13 of 23 November 1993). This was to be followed by a section-by-section examination of the negotiating text. For this purpose, the plenary would meet as a working group. We aimed to complete this process by the end of the first week;

(b) Upon completion of the section-by-section examination of the text, the Conference would then discuss the question of the form of the document resulting from its deliberations;

(c) It would then take up some of the key issues that required further negotiation;

(d) Depending on the progress made, the Chairman would aim to issue a revised text by the beginning of the third week;

(e) If indeed a revised text was issued at the beginning of the third week, the Conference would proceed to consider the revised text for the remainder of the session;

(f) The two technical working groups on the application of the precautionary approach to fisheries management and on reference points for the utilization of fish resources established at the previous session would meet simultaneously with the plenary from 16 to 18 and from 21 to 23 March, respectively.

2. Given the extensive nature of our agenda and the time available, this was an ambitious programme of work. However, a review of the work done during this session would indicate that, by and large, we kept to the schedule of work. This was possible thanks to the cooperation and hard work on the part of all Conference participants. In particular, I would like to thank those who worked so diligently and for long hours and who have been of invaluable assistance to the Chairman.

3. In accordance with the agreed programme of work, we began by hearing general remarks on the negotiating text and then examined the various sections of the text in detail. This process continued into the second week. As a result of the discussion and the very helpful and constructive suggestions made, it was possible for the Chairman to start revising the text during the second week, earlier than expected. The revisions were issued section by section in five conference room papers (A/CONF.164/CRP.1-5). These revisions were completed at the beginning of the third week.

4. The revisions enabled the Chairman, at the end of the second week, to convene informal consultations in order to improve the text and widen the support for it. These consultations facilitated the commencement of negotiations among delegations. The results of the consultations are now incorporated in the revised negotiating text (A/CONF.164/13/Rev.1).

5. During the informal consultations, some of the more difficult issues were taken up for discussion and negotiation. It would be fair to say that we made considerable progress towards agreement on these key issues.

6. Important progress was made on the difficult issue of compatibility and coherence in the conservation and management measures for straddling fish stocks and highly migratory fish stocks in areas under national jurisdiction and in the high seas, while respecting the various jurisdictional regimes established under the 1982 United Nations Convention on the Law of the Sea. Indeed, there is now common ground on how this should be achieved. However, further work is necessary in order to reach complete agreement on this critical issue.

7. The Conference has also moved closer to agreement on a number of other issues. These issues include:

(a) General principles on which conservation and management measures are to be based;

(b) International cooperation, including regional and subregional cooperation, for achieving the goal of effective conservation and management, and sustainable resource use;

(c) Compliance with, and the enforcement of, high seas fisheries conservation and management measures, in particular the duties of flag States in this regard;

(d) The role of the port States in support of conservation and management;

(e) The cooperation required to deal with States that do not participate in the work of regional fisheries organizations or arrangements;

(f) The special requirements of developing countries in order to enhance their national capacities so that they can participate more effectively in fisheries management and conservation;

(g) The need for compulsory and expeditious settlement of disputes procedures in support of effective fisheries conservation and management;

(h) Procedures for the review of the implementation of conservation and management measures adopted by this Conference.

8. This session also saw the introduction of a number of new elements in our deliberations and negotiations. Two such issues were considered in the two technical working groups that the Conference had established. These working groups dealt with the important issues of the precautionary approach to fisheries management and reference points for managing fisheries. As a consequence, the negotiating text now reflects the work done in the two technical working groups. A new annex has been added to the negotiating text which contains guidelines for applying reference points in managing fish stocks. It is derived from the report of the working group.

9. I would like once again to express the gratitude of the Conference to the two working groups for their invaluable contribution to our work. I would also like to thank the Food and Agriculture Organization of the United Nations (FAO) for the preparation of two excellent background papers on the two issues.

10. The negotiating text now also contains a section on objectives, which, as you know, is to ensure the long-term sustainability of straddling fish stocks and highly migratory fish stocks. Further additions to the negotiating text include a section on the application of the provisions of the document that the Conference will adopt, and a preamble. It should be noted that we have yet to agree on the form of the document to be adopted by this Conference.

11. The revised negotiating text as a whole reflects the considerable progress made at this session on all substantive matters. It is my sense that there is a distinct convergence of views on the many issues addressed in the negotiating text. This reflects the commitment on the part of States to achieve the goal established for this Conference by the Heads of Government at the Earth Summit at Rio de Janeiro in 1992, and required of us by the General Assembly of the United Nations in its resolution 47/192 of 22 December 1992.

12. We have worked relentlessly and often for long hours during the past three weeks and have made impressive progress. However, the Conference still has a long way to go before it can successfully conclude its work. The time available to the Conference is very short and we face a considerable challenge if indeed we are to complete our task during the two-week summer session. This challenge will be daunting unless delegations make an effort to continue the process of informal consultation and negotiation during the inter-sessional period in order that the Conference can achieve early agreement on all outstanding matters when it reconvenes in August. I believe that, given your commitment and the spirit

of cooperation and compromise that has already been demonstrated, we should be able to achieve our goal and arrive at a consensus document.

13. At the next session, in order to maintain momentum in the negotiations, we should continue the process of informal consultations soon after we reconvene and devote as much time as possible to resolving the outstanding issues. This approach has proved to be most productive during this session. The next session is for two weeks only. Realistically speaking, there will be just over a week available to us to conclude negotiations, as we will also need some time to revise the text and harmonize the different language texts. We should not lose sight of this fact if we are to conclude the work of the Conference within the time set for us.

14. Our Governments have set the Conference an urgent and important task. The task is to agree on measures that will ensure that an important resource that nature has provided to mankind is effectively conserved and managed for the benefit of present and future generations. Recent collapses of fish stocks in different parts of the world underscore the urgency of our task. Such collapses demonstrate that these stocks are not being utilized in a sustainable manner. This situation is no longer acceptable and we are therefore forced to consider radical departures from current fishing practices. In order to achieve this, Governments must be flexible in their negotiating positions and be prepared to take swift and decisive measures. They must not insist on old rules of the game which are no longer adequate or appropriate, whether they apply to areas under national jurisdiction or to the resources of the high seas. States must not succumb to short-term interests and pressures and in the process sacrifice the longer-term interests of fishing communities and mankind as a whole. The international community, as is reflected in the Rio Declaration, the resolutions of the United Nations General Assembly and the decisions of other bodies such as FAO, expects no less.

15. I would like to thank you most sincerely for the efforts you have all made during this session. I would also like to pay special tribute to my colleagues in the Bureau for the support, advice and guidance on the work of the Conference. The contribution of the Secretariat as a whole has been invaluable to the workings of the Conference, which I acknowledge on your behalf. I also wish to recognize the important contribution on technical issues made by FAO to the Conference. May I wish you all well, and those of you who are travelling, bon voyage.

UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/CONF.164/20
26 May 1994

ORIGINAL: ENGLISH

UNITED NATIONS CONFERENCE ON
STRADDLING FISH STOCKS AND
HIGHLY MIGRATORY FISH STOCKS
Third session
New York, 14-31 March 1994

REPORT ON THE THIRD SESSION OF THE UNITED NATIONS CONFERENCE ON STRADDLING FISH STOCKS AND HIGHLY MIGRATORY FISH STOCKS

Prepared by the Secretariat

CONTENTS

		Paragraphs	Page
I.	INTRODUCTION	1 - 8	2
	A. Opening of the session	1 - 3	2
	B. Attendance	4 - 8	2
II.	GENERAL DEBATE	9 - 11	3
III.	CONSIDERATION OF THE ISSUES	12 - 17	4
IV.	WORKING GROUPS ON THE PRECAUTIONARY APPROACH IN FISHERIES MANAGEMENT AND ON REFERENCE POINTS FOR FISHERIES MANAGEMENT	18 - 22	4
V.	CREDENTIALS COMMITTEE	23	5
VI.	VOLUNTARY FUND	24	5
VII.	CLOSING OF THE SESSION	25 - 27	5

94-23024 (E) 150694 190694

/...

I. INTRODUCTION

A. Opening of the session

1. The third session of the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks was held in New York from 14 to 31 March 1994. The session was convened in accordance with paragraph 3 of General Assembly resolution 48/194 of 21 December 1993, entitled "United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks". The first and second sessions of the Conference were held in New York from 19 to 23 April and from 12 to 30 July 1993, respectively. 1/

2. The Chairman of the Conference made a statement at the opening of the session. 2/ He stressed that, on the basis of available information, the gravity of the international fisheries situation as it pertained to highly migratory fish stocks and straddling fish stocks remained unchanged and that there had been reports of fisheries continuing to collapse in some parts of the world and of extreme socio-economic consequences for the fishing communities. He therefore invited all delegates to work constructively in order to find effective solutions that would ensure the long-term and sustainable use of all fish stocks within the framework of the 1982 United Nations Convention on the Law of the Sea.

3. The Under-Secretary-General for Legal Affairs, the Legal Counsel, also made a statement.

B. Attendance

4. Representatives of the following States attended the session: Algeria, Antigua and Barbuda, Argentina, Australia, Austria, Bahamas, Bahrain, Barbados, Belarus, Belgium, Benin, Brazil, Burundi, Canada, Cape Verde, Chile, China, Colombia, Congo, Cook Islands, Côte d'Ivoire, Cuba, Cyprus, Denmark, Ecuador, Egypt, Estonia, Fiji, Finland, France, Gabon, Germany, Ghana, Greece, Guinea-Bissau, Guyana, Iceland, India, Indonesia, Ireland, Italy, Jamaica, Japan, Kenya, Kiribati, Latvia, Lithuania, Madagascar, Malaysia, Marshall Islands, Mauritania, Mexico, Micronesia (Federated States of), Morocco, Myanmar, Namibia, Netherlands, New Zealand, Norway, Panama, Papua New Guinea, Peru, Philippines, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Samoa, Senegal, Seychelles, Sierra Leone, Solomon Islands, Spain, Sri Lanka, Sweden, Thailand, Tonga, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Vanuatu, Venezuela, Zambia and Zimbabwe.

5. The following United Nations organ was represented: United Nations Environment Programme (UNEP).

6. The following specialized agencies were represented: Food and Agriculture Organization of the United Nations (FAO), Intergovernmental Oceanographic Commission - UNESCO (IOC).

7. The following intergovernmental organizations were represented: Asian-African Legal Consultative Committee (AALCC), European Community, 3/ Inter-American Tropical Tuna Commission (IATTC), International Commission for the Conservation of Atlantic Tunas (ICCAT), International Council for the Exploration of the Sea (ICES), International Maritime Satellite Organization (INMARSAT), International Whaling Commission, Latin American Organization for Fisheries Development (OLDEPESCA), North Atlantic Salmon Conservation Organization (NASCO), Permanent South Pacific Commission (CPPS), South Pacific Commission and South Pacific Forum Fisheries Agency (FFA).

8. The following non-governmental organizations were represented, in accordance with paragraphs 4 and 12 of General Assembly resolution 47/192 of 22 December 1992: Alaska Marine Conservation Council; American Society of International Law; Center for Marine Conservation; Centre de Recherches pour le Développement des Technologies Intermédiaires de Pêche; Comité Catholique contre la Faim and pour le Développement; Coordinadora de Tripulantes Pesqueros Industriales del Cono Sur América Latina; Council on Ocean Law; Environmental Defense Fund; Federation of Japan Tuna Fisheries Cooperative Associations; Fisheries Council of Canada; Fishermen, Food and Allied Workers (FFAW CAW); Greenpeace International; International Coalition of Fisheries Associations; International Coastal and Ocean Organization (ICO); International Collective in Support of Fishworkers; International Union for the Conservation of Nature; Marine Environmental Research Institute; Namibian Food and Allied Workers Union; National Audubon Society; Natural Resources Defense Council; Netherlands National Committee for IUCN; Oceans Caucus (Canadian Environmental Network); Oceans Institute of Canada; PAMALAKAYA (National United Movement of Fisherfolk in Philippines); Red Mexicana de Acción frente al Libre Comercio; Samoan Association of Non-governmental Organizations; United Nations Association in Canada; Women and Fisheries Network; Wildlife Conservation Society and World Wide Fund for Nature (WWF UK).

II. GENERAL DEBATE

9. In accordance with the programme of work agreed at the beginning of the session, during the first week delegates were given the opportunity to make general statements on the negotiating text prepared by the Chairman and contained in document A/CONF.164/13 of 23 November 1993.

10. At the 21st meeting, held on 14 March, statements were made by the Minister of Fisheries and Oceans of Canada, the Honourable Brian Tobin, as well as the representatives of Peru, Mauritania, the European Community, the Republic of Korea, Argentina, Japan, China, the United States, Samoa (on behalf of the members of FFA), Ecuador and the Russian Federation. The representative of FAO and the observer for Greenpeace International also made statements.

11. At the 22nd meeting, held on 14 March, statements were made by the representatives of New Zealand, Poland and Australia. The representative of ICCAT also made a statement.

III. CONSIDERATION OF THE ISSUES

12. From the 22nd to 38th meetings the Conference met in informal sessions and conducted an examination section by section of the negotiating text.

13. The negotiating text was divided into 11 sections and 2 annexes, as follows: (i) the nature of conservation and management measures to be established through cooperation; (ii) mechanisms for international cooperation; (iii) regional fisheries management organizations or arrangements; (iv) duties of the flag State; (v) compliance and enforcement of high seas fisheries conservation and management measures; (vi) port States; (vii) non-parties to subregional or regional organizations or arrangements; (viii) dispute settlement; (ix) compatibility and coherence between national and international conservation measures for the same stock; (x) special requirements of developing countries; (xi) review of the implementation of conservation and management measures; annex 1 on minimum data requirements for the conservation and management of straddling fish stocks and highly migratory fish stocks; and annex 2 on arbitration.

14. In accordance with the understanding reached at the second session, 4/ the Conference decided at the 25th and 31st meetings to entrust the consideration of the questions of the precautionary approach to fisheries management and management reference points to two open-ended working groups. On these questions, the Conference had before it two information papers prepared by FAO 5/ at the request of the Conference at its second session.

15. At the 40th meeting, held on 25 March, the Chairman informed the Conference that he would undertake informal consultations on issues contained in the negotiating text. The consultations took place from 28 to 30 March.

16. Revisions of the negotiating text were issued section by section in the form of conference room papers. During the informal consultations, these revisions were further refined. The results of the consultations are now incorporated in the revised negotiating text.

17. At the 41st meeting, held on 30 March, the Chairman made a report to the Conference on the progress made during his informal consultations.

IV. WORKING GROUPS ON THE PRECAUTIONARY APPROACH IN FISHERIES MANAGEMENT AND ON REFERENCE POINTS FOR FISHERIES MANAGEMENT

18. The Working Group on the Precautionary Approach in Fisheries Management met simultaneously with the plenary meetings from 16 to 18 March, under the chairmanship of Mr. Andrés Couve (Chile).

19. The Working Group on Reference Points for Fisheries Management also met simultaneously with the plenary meetings from 21 to 23 March, under the chairmanship of Mr. Andrew Rosenberg (United States of America).

20. At the 38th meeting, held on 24 March, the Chairmen of the two working groups introduced their reports to the plenary. These reports are contained in documents A/CONF.164/WP.1 and A/CONF.164/WP.2.

21. Following the introduction of the reports of the working groups, statements were made by the representatives of Argentina, Peru and Canada.

22. At the 39th and 40th meetings, held on 25 March, further statements were made by the representatives of the United States, the European Community, Sweden, Chile, Canada, Australia, the Philippines, the Republic of Korea, Ukraine, New Zealand, Peru, Argentina, China, the Russian Federation, Poland, Trinidad and Tobago, Indonesia and Japan. The observers for WWF, the Alaska Marine Conservation Council and the Ocean Caucus (Canadian Environmental Network) also made statements.

V. CREDENTIALS COMMITTEE

23. The Credentials Committee met on 28 March 1994. The report of the Committee is contained in document A/CONF.164/18.

VI. VOLUNTARY FUND

24. At the 42nd meeting, held on 31 March 1994, the Chairman of the Conference made an appeal to delegations for contributions to the voluntary fund established for the purpose of assisting developing countries to participate fully and effectively in the Conference, so as to enable as many States as possible to participate in the Conference. Three contributions to the fund were made in advance or during the third session of the Conference by Canada, Japan and Norway. Travel to the present session has been financed or will be reimbursed in respect of representatives of 14 States falling under the provisions of paragraph 9 of resolution 47/192.

VII. CLOSING OF THE SESSION

25. At the 42nd meeting, held on 31 March 1994, the Chairman made a closing statement observing, inter alia, that as a result of the consultations during the session, he was able to issue a revision of his negotiating text (A/CONF.164/13/Rev.1). He noted that the Conference had moved closer to agreement on a number of issues. He also indicated that the revised negotiating text as a whole reflected the progress made at the session on all substantive matters. He suggested that at the summer session the Conference should continue the process of informal consultations and should devote as much time as possible to resolving outstanding issues since such an approach had proved to be most productive during the session.

26. At the same meeting, statements were made by the representatives of Argentina, the European Community, New Zealand, Peru, Ecuador, Japan, the Russian Federation, Tunisia, Samoa, Canada, Norway, the United States, the Republic of Korea, Trinidad and Tobago, China, Australia, Poland, Chile,

Mauritania and Sierra Leone. The representatives of OLDEPESCA and CPPS made statements. Statements were also made by the observers of Coordinadora de Tripulantes Pesqueros Industriales del Cono Sur América Latina, Greenpeace International, the Fisheries Council of Canada, the National Audubon Society and the Federation of Japan Tuna Fisheries Cooperative Associations.

27. The Conference adopted the recommendations contained in the report of the Credentials Committee.

Notes

1/ For reports on the first and second sessions of the Conference, see A/CONF.164/9 and 16, respectively. For the report of the Secretary-General on the implementation of the decisions and recommendations of the United Nations Conference on Environment and Development: sustainable use and conservation of the marine living resources of the high seas: United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks, see A/48/479 and Corr.1.

2/ A/CONF.164/17.

3/ Rule 2 of the rules of procedure of the Conference (A/CONF.164/6) provides that:

> "The representatives of the European Economic Community shall participate in the Conference in matters within its competence without the right to vote. Such representation shall in no case entail an increase of the representation to which the States members of the European Economic Community would otherwise be entitled".

In a letter dated 24 March 1994, the Chargé d'affaires a.i. of the Permanent Mission of Greece to the United Nations, in his capacity as the representative of the country holding the Presidency of the Council of the European Union, informed the Secretary-General of the United Nations that the European Economic Community had changed its name to the European Community. The modification was intended to reflect the provisions of article G (A) of the Treaty on European Union.

4/ See A/CONF.164/15, p. 3.

5/ A/CONF.164/INF/8 and A/CONF.164/INF/9.